

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Cub Club Investment, LLC,

Plaintiff,

v.

Apple Inc.,

Defendant.

§
§
§
§
§
§
§
§
§

Civil Action No. 6:20-cv-856-ADA-JCM

**JOINT MOTION TO EXTEND
DEADLINE TO RESPOND TO MOTION TO DISMISS**

Plaintiff Cub Club Investment, LLC and Defendant Apple Inc. jointly move, pursuant to Federal Rule of Civil Procedure 6(b), to extend the deadline to respond to Apple's Motion to Dismiss (Dkt. 22) to fourteen (14) days after the Court rules on Apple's Motion to Transfer (Dkt. 21).

On November 24, 2020, Apple filed a Motion to Transfer Venue (Dkt. 21) and a Motion to Dismiss (Dkt. 22). Pursuant to Local Rule CV-7(e)(2), the deadline to respond to the Motion to Dismiss is Tuesday, December 8, 2020. Because "once a party files a transfer motion, disposition of that motion should take top priority in the case," *In re Apple Inc.*, 979 F.3d 1132, 2020 WL 6554063, at *3 (Fed. Cir. Nov. 9, 2020) (citing *In re Horseshoe Ent.*, 337 F.3d 429, 433 (5th Cir. 2003)), the parties seek this extension so they can prioritize briefing on the Motion to Transfer. This joint motion is not brought for the purpose of delay.

For the foregoing reasons, Cub Club Investment and Apple jointly request that the Court extend the deadline for Cub Club Investment to respond to the Motion to Dismiss (Dkt. 22) to fourteen (14) days after the Court has decided the Motion to Transfer (Dkt. 21), as agreed upon by the parties.

Dated: December 3, 2020

Respectfully submitted,

<u>/s/ B. Todd Patterson</u> B. Todd Patterson <i>Counsel for Plaintiff Cub Club Investment, LLC</i>	<u>/s/ Paige Arnette Amstutz (w/permission)</u> Paige Arnette Amstutz <i>Counsel for Defendant Apple Inc.</i>
<p>B. Todd Patterson Attorney In Charge Texas Bar No. 00789537 tpatterson@pattersonsheridan.com</p> <p>John A. Yates Texas Bar No. 24056569 jyates@pattersonsheridan.com</p> <p>Kyrie Cameron Texas Bar No. 24097450 kcameron@pattersonsheridan.com</p> <p>Patterson + Sheridan LLP 24 Greenway Plaza, Suite 1600 Houston, Texas 77046 (Tel): 713-623-4844 (Fax): 713-623-4846</p> <p>Abelino Reyna Texas Bar No. 24000087 areyna@pattersonsheridan.com</p> <p>Patterson + Sheridan LLP 900 Washington Ave., Suite 503 Waco, Texas 76701 (Tel): 254-777-5248 (Fax): 877-777-8071</p> <p>Craig K. Ribbeck Texas Bar No. 24009051 craig@ribbecklawfirm.com</p> <p>The Ribbeck Law Firm, PLLC P.O. Box 550377 Houston, TX 77055 (Tel): 713-621-5220 (Fax): 713-572-1507</p>	<p>Paige Arnette Amstutz Texas Bar No. 00796136 pamstutz@scottdoug.com</p> <p>Sameer Hashmi Texas Bar No. 24101877 shashmi@scottdoug.com</p> <p>Scott Douglass & McConnico LLP 303 Colorado Street, Suite 2400 Austin, Texas 78701 Telephone: (512) 495-6300 Facsimile: (512) 495-6399</p> <p>Andrew M. Gass Admitted Pro Hac Vice andrew.gass@lw.com</p> <p>Latham & Watkins LLP 505 Montgomery Street, Suite 2000 San Francisco, California 94111-6538 Telephone: (415) 391-0600 Facsimile: (415) 395-8095</p> <p>Gabriel S. Gross Admitted Pro Hac Vice gabe.gross@lw.com</p> <p>Latham & Watkins LLP 140 Scott Drive Menlo Park, California 94025 Telephone: (650) 328-4600 Facsimile: (650) 463-2600</p> <p>Elana Nightingale Dawson Admitted Pro Hac Vice elana.nightingaledawson@lw.com</p> <p>Carolyn M. Homer Admitted to practice in W.D. Tex. carolyn.homer@lw.com</p> <p>Latham & Watkins LLP 555 Eleventh Street, NW, Suite 1000 Washington, DC 20004 Telephone: (202) 637-2200 Facsimile: (202) 637-2201</p>

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2020, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notifications of such filing to all counsel of record.

/s/ B. Todd Patterson

B. Todd Patterson